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April 10, 2012

The Honorable Jocelyn Boyd Chief Clerk of the Commission Public Service Commission of South Carolina Post Office Drawer 11649 Columbia, South Carolina 29211

Re: Complaint and Petition for Relief of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Inc. d/b/a High Tech Communications, Dialtone & More, Inc., Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC, OneTone Telecom, Inc., dPi Teleconnect, LLC and Image Access, Inc., d/b/a New Phone Docket No. 2010-14-C, Docket No. 2010-15-C, Docket No. 2010-16-C, Docket No. 2010-17-C, Docket No. 2010-18-C, & Docket No. 2010-19-C

Dear Ms. Boyd:

Enclosed for filing is AT&T South Carolina's Joint Motion to Dismiss in the above-referenced matters.

By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Sincerely,

Patrick W. Turner

PWT/nml enclsoure

cc: All Parties of Record

# BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

In Re:

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a High Tech Communications Docket No. 2010-14-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Dialtone & More Incorporated Docket No. 2010-15-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC Docket No. 2010-16-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. OneTone Telecom, Incorporated Docket No. 2010-17-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. dPi Teleconnect, LLC Docket No. 2010-18-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone Docket No. 2010-19-C

### **JOINT MOTION TO DISMISS**

BellSouth Telecommunications, LLC<sup>1</sup> d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T South Carolina"), and Image Access, Inc. d/b/a NewPhone ("NewPhone") (collectively the "Parties"), jointly and without objection from the Office of Regulatory Staff, move that all claims, demands, counter-claims, and any other matters the Parties have asserted

Effective July 1, 2011, BellSouth Telecommunications, Inc. was converted to BellSouth Telecommunications, LLC by operation of Georgia law (the law of the state in which the former BellSouth Telecommunications, Inc. was incorporated).

against each other in the above-referenced dockets be dismissed with prejudice on the grounds that the Parties have amicably resolved their disputes.

Respectfully submitted on this <u>loth</u> day of April, 2012.

BELLSOUTH TELECOMMUNICATIONS, LLC D/B/A AT&T SOUTHEAST D/B/A AT&T

SOUTH CAROLINA

By:

Patrick W. Turner

General Attorney - AT&T South Carolina

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IMAGE ACCESS, INC. D/B/A NEWPHONE

Dw.

John J. Pringle, Jr.

Ellis, Lawhorne & Sims, P.A.

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### ATTACHMENT A TO JOINT MOTION TO DISMISS Docket Nos. 2010-14-C to 2010-19-C

# BEFORE THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

In Re:

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Affordable Phone Services, Incorporated d/b/a High Tech Communications

Docket No. 2010-14-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Dialtone & More Incorporated Docket No. 2010-15-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Tennessee Telephone Service, LLC d/b/a Freedom Communications USA, LLC Docket No. 2010-16-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. OneTone Telecom, Incorporated Docket No. 2010-17-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. dPi Teleconnect, LLC Docket No. 2010-18-C

BellSouth Telecommunications, Incorporated d/b/a AT&T Southeast d/b/a AT&T South Carolina v. Image Access, Incorporated d/b/a New Phone Docket No. 2010-19-C

#### PROPOSED ORDER OF DISMISSAL

Based on the Joint Motion to Dismiss filed by BellSouth Telecommunications, LLC d/b/a AT&T Southeast d/b/a AT&T South Carolina ("AT&T South Carolina"), and Image Access, Inc. d/b/a NewPhone ("NewPhone"), to which the Office of Regulatory Staff has no objection,

#### IT IS HEREBY ORDERED that:

(1) all claims, demands, counter-claims, and any other matters that AT&T South Carolina and NewPhone have asserted against each other in Docket No. 2010-19-C and the Consolidated Phase of Docket Nos. 2010-14-C to 2010-19-C are hereby dismissed with prejudice;

| <ol><li>Docket No.</li></ol> | 2010-19-C | is cl | losed; | and |
|------------------------------|-----------|-------|--------|-----|
|------------------------------|-----------|-------|--------|-----|

NewPhone is hereby dismissed as a party to the Consolidated Phase of Docket (3) Nos. 2010-14-C to 2010-19-C.

| BY | ORDER | OF | THE | CON | ΛN | AIS | STO | $\cap N$ | ſ٠ |
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| BY ORDER OF THE COMMISSION:           |                          |  |
|---------------------------------------|--------------------------|--|
|                                       | John E. Howard, Chairman |  |
| ATTEST:                               |                          |  |
| David A. Wright, Vice Chairman (SEAL) |                          |  |
|                                       |                          |  |

| STATE OF SOUTH CAROLINA | ) |                        |
|-------------------------|---|------------------------|
|                         | ) | CERTIFICATE OF SERVICE |
| COUNTY OF RICHLAND      | ) |                        |

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, LLC d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Joint Motion to Dismiss in Docket Nos. 2010-14-C, 2010-15-C, 2010-16-C, 2010-17-C, 2010-18-C and 2010-19-C to be served upon the following on April 10, 2012:

John J. Pringle, Jr., Esquire
Ellis, Lawhorne & Sims, P.A.
1501 Main Street
5<sup>th</sup> Floor
Columbia, South Carolina 29202
(Affordable Phone Services, Inc. d/b/a High Tech)
(Dialtone & More, Inc.)
(Tennessee Telephone Service, LLC d/b/a Freedom Communications)
(OneTone Telecom, Inc.)
(dPi Teleconnect, L.L.C.)
(Image Access, Inc. d/b/a NewPhone)
(Electronic Mail)

Christopher Malish, Esquire Malish & Cowan, P.L.L.C. 1403 West Sixth Street Austin, Texas 78703 (dPi Teleconnect, LLC) (Electronic Mail) Henry M. Walker, Esquire
Bradley Arant Boult Cummings, LLP
1600 Division Street, Suite 700
Nashville, Tennessee 37203
(OneTone Telecom, Inc.)
(Tennessee Telephone Service, LLC d/b/a Freedom Communications)
(DialTone & More, Inc.)
(Electronic Mail)

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(Electronic Mail)

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Baton Rouge, Louisiana 70821
(Image Access, Inc. d/b/a NewPhone)
(Electronic Mail)

C. Lessie Hammonds, Esquire Counsel Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, South Carolina 29201 (Electronic Mail) F. David Butler, Esquire Senior Counsel S. C. Public Service Commission Post Office Box 11649 Columbia, South Carolina 29211 (PSC Staff) (Electronic Mail)

Joseph Melchers General Counsel S.C. Public Service Commission Post Office Box 11649 Columbia, South Carolina 29211 (PSC Staff) (Electronic Mail)

Jocelyn G. Boyd, Esquire Chief Clerk S. C. Public Service Commission Post Office Box 11649 Columbia, South Carolina 29211 (PSC Staff) (Electronic Mail)

Nyla M. Laney